THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.10444 of 2006

Dated:03.07.2006

Between:

Nawab Khaja Moinuddin Khan, and another.

…Petitioners

and

State of A.P, Rep.by Collector, Ranga Reddy District, at Khairatabad, Hyderabad, and others,

…Respondents

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ORDER:

The petitioners claim to be the General Power of Attorney holders of the persons who claim to have share in the Matruka properties of late Nawab Mohi-Ud-Doula (Asman-Jahi-Paiga rulers). The first petitioner claims to be the legal representative of defendant No.6 in C.S.No.7 of 1958 filed by some of the legal heirs of Asman-Jahi-Paiga claiming a share in the property. According to the petitioners, the matter is still pending before the learned Single Judge of this Court and the land is a private land. The Mandal Revenue Officer (MRO), Shamshabad, displayed a notice in November 2005. The contents of the notice reveal that the Government of Andhra Pradesh decided to alienate/transfer the lands in favour of the third respondent herein for construction of ground plus three quarters in Survey No.17 admeasuring Acs.5.17 guntas situated at Sathamrai Village, and in that connection objections were invited. The second petitioner herein, who claims to be the sole proprietrix of M/s.Anish Constructions, filed detailed objections on 23.11.2005 and the decision by the MRO is awaited. In the meanwhile, apprehending that the alienation/transfer proposals might be completed, the present writ petition is filed.

At the stage of preliminary hearing itself, the learned Assistant Government Pleader for Revenue (General) obtained instructions. He submits that on verification of the revenue records of Sathamrai Village, it was found that the land in Survey No.17 was classified as “Gairan Sarkari” admeasuring Acs.40.22 guntas, that an extent of Acs.10.00 was assigned in 1981 and 1984 and that another extent of Acs.5.00 was earmarked as graveyard for the villagers. He, however, does not dispute that there is a proposal to alienate Acs.5.17 guntas in favour of the third respondent.

There is a dispute as to whether the land in Survey No.17 is a Government land (Gairan Sarkari) as per the Sethwar record or the

private patta land belonging to Asman-Jahi-Paiga as alleged by the petitioners. Now that the petitioners have already filed their objections before the MRO, liberty is given to them to place all the material before the MRO in that regard. As and when the material is placed, the MRO shall consider the objections of the petitioners and take a decision in the matter. In this Writ Petition, no relief can be granted to the petitioners.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

03.07.2006
vs